

REMARKS

Applicants respectfully request reconsider and allowance of this application in view of the following comments.

The sole substantive issue for consideration is the holding that the reissue oath/declaration is defective. According to the Examiner, the reissue oath/declaration does not set forth a specific error being corrected in this reissue application. In response, Applicants submit new reissue declarations alleging the following specific errors:

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

Second, the USPTO has determined that patent claims contain multiple independent and distinct inventions, and has required restriction.

The present reissue application corrects these two errors as follows: The patent claims have been limited to imidazolidine compounds by amending original patent claims 1 and 2 to cancel values for X other than N-R², canceling original patent claim 6, and canceling from original patent claim 9 all non-imidazolidine compound species.

Applicants submit that these errors are specific, and overcome the finding that the reissue oath/declaration is defective.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.

By 

Kurt G. Briscoe
Attorney for Applicant(s)
Reg. No. 33,141
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844